

REMARKS

Claims 1-28 were present in the application as filed. An Office Action with an Election/Restriction Requirement was mailed on March 27, 2006. Presently, claims 1, 9, and 10 are amended, and claims 24-26 are withdrawn. The Election/Restriction Requirement is addressed bellow. The claims now pending in the application are: 1-28.

Election/Restriction Requirement

The Office Action imposed restriction under 35 USC §121 between ten groups of claims:

- Group I: The compounds and compositions according to claims 1-23 and 27-28, wherein Q is O in formula I.
- Group II: The compounds and compositions according to claims 1-23 and 27-28, wherein Q is S in formula I.
- Group III: The compounds and compositions according to claims 1-23 and 27-28, wherein Q is CH=N or N=CH in formula I.
- Group IV: The compounds and compositions according to claims 1-23 and 27-28, wherein Q is CH=CH in formula I.
- Group V: The compounds and compositions according to claims 1-23 and 27-28, wherein Q is NR⁹ in formula I.
- Group VI: The methods of treating according to claims 24-26, wherein Q is O in formula I.
- Group VII: The methods of treating according to claims 24-26, wherein Q is S in formula I.
- Group VIII: The methods of treating according to claims 24-26, wherein Q is CH=N or N=CH in formula I.
- Group IX: The methods of treating according to claims 24-26, wherein Q is CH=CH in formula I.
- Group X: The methods of treating according to claims 24-26, wherein Q is NR⁹ in formula I.

Responsive Action

Without acceding to the propriety of the Election/Restriction Requirement, and for the purposes of expediting prosecution of the application, Applicants hereby elect the invention of Group V (Claims 1-23 and 27-28) drawn to the compounds and compositions, wherein Q is NR⁹ in formula I, and amend claims 1, 9, and 10 accordingly. This election is without traverse and without prejudice to Applicants' rights to pursue any non-elected subject matter in one or more related application(s).

Possible Rejoinder

Applicants thank the Examiner for indicating that process claims may be rejoined in case of allowance of product claims. Applicants presently withdraw process claims 24-26. However, upon allowance of currently elected product claims of Group V, rejoinder of corresponding process claims of Group X is respectfully requested.

Conclusion

In view of the above remarks and responsive action, reconsideration and further examination is respectfully requested.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Edward Timmer, Applicants Attorney at (518) 452-5600 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.



USSN: 10/775,963
Letourneau, *et al.*

CERTIFICATE OF MAILING


I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Date of Deposit: April 20, 2006


EDWARD TIMMER

Respectfully submitted,


EDWARD TIMMER

Attorney for Applicant(s)
Registration No. 46,248

Dated: April 20, 2006

HESLIN ROTHENBERG FARLEY & MESITI, P.C.
5 Columbia Circle
Albany, New York 12203
Telephone: (518) 452-5600
Facsimile: (518) 452-5579